

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL RAYMOND RAMAGE (1)

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CASE NUMBER 4:18-CR-00001

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 22, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Thomas Scott Smith. The Government was represented by Tracey Batson.

Daniel Raymond Ramage was sentenced on March 31, 2011, before The Honorable David S. Doty of the District of Arizona after pleading guilty to the offense of Possession with the Intent to Distribute Marijuana, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 25 and a criminal history category of IV, was 84 to 105 months. Daniel Raymond Ramage was subsequently sentenced to 63 months imprisonment followed by a 5 year term of supervised release subject to the standard conditions of release, plus special conditions to include substance abuse testing and treatment, mental health treatment, search condition, RRC placement for 180

days, abstain from the use of alcohol, and \$100 special assessment. On September 1, 2014, Daniel Raymond Ramage completed his period of imprisonment and began service of the supervision term. On January 9, 2018, jurisdiction of this case was transferred to the Eastern District of Texas, and the case was assigned to U.S. District Judge Marcia A. Crone.

On April 6, 2018, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 2, Sealed]. The Petition asserted that Defendant violated one (1) condition of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime.

The Petition alleges that Defendant committed the following acts: (1) On April 13, 2017, the defendant was arrested by the Pennyryle Narcotics Task Force in Hopkinsville, Kentucky, and subsequently indicted by the Lyon Circuit Court in Eddyville, Kentucky, under Case No. 17-CR-00104 for Count 1: Trafficking in a Controlled Substance 1st Offense – Methamphetamine (Felony), Count 2: Trafficking in Marijuana Greater than 5 Pounds (Felony), and Count 3: Drug Paraphernalia – Buy or Possess (Felony). On August 9, 2017, the defendant was indicted in the Eastern District of Texas/Sherman Division under Case No. 4:17CR00139-2 and charged with Count 1: Conspiracy to Possess with Intent to Manufacture and Distribute 500 Grams or more of a Mixture or Substance Containing Methamphetamine or 50 Grams or More of Methamphetamine (Actual), a Class A Felony. Sentencing remains pending. On September 18, 2017, the state charges were dismissed as these charges are related to charges in the federal indictment.

Prior to the Government putting on its case, Defendant entered a plea of true to the allegation in the Petition. Having considered the Petition and the plea of true to the allegation, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends the Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty (30) months, to run concurrently with any sentence imposed in Eastern District of Texas case number 4:17CR139, with no supervised release to follow.

The Court also recommends that Defendant be designated to the Bureau of Prisons facility requested at his sentencing in Eastern District of Texas case number 4:17CR139, if appropriate.

SIGNED this 27th day of May, 2018.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE